

REMARKS

In response to the Restriction Requirement of April 19, 2005, Applicants elect Species IB, corresponding to the invention as described with reference to Figures 3 and 4 in the Official Action. Applicants note that Claims 1-6, 11-14, 22-27, 30-36 and 38-40 are identified in the Official Action as being generic. With regard to the claims not identified as generic, Claim 8 does not recite a passivation layer, Claim 9 recites a passivation layer but does not recite whether the gate is formed before or after formation of the passivation layer and Claim 10 recites that the gate contact extends through the passivation layer but does not recite whether the gate contact is formed before or after formation of the gate contact. Accordingly, Applicants submit that Claims 8-10 are generic to Species IA and IB. Claims 15 through 17 do not recite a passivation layer and, therefore, are generic to Species IA and IB. Claim 18 has been withdrawn. Claims 19 through 21 do not recite a passivation layer and, therefore, are generic to Species IA and IB. Claim 70 has been amended to correct the typographic error where the protective layer is recited as a passivation layer in the last clause of Claim 70. Applicants submit that Claims 70 through 78 are generic to Species IA and IB.

Applicants have responded to the Restriction Requirement as set forth in the Official Action and have withdrawn Claim 18 as directed to a non-elected species as defined in the Official Action. However, Applicants submit that Figures 1A through 1F illustrate the formation of a protective layer in the gate region of the device prior to formation of the ohmic contacts. Figures 3 and 4 illustrate the formation of the ohmic contacts prior to formation of the protective layer. In either case, the protective layer may remain or be removed prior to formation of a passivation layer and the gate contact may be formed prior to formation of the passivation layer or subsequent to formation of the passivation layer. Furthermore, in some embodiments, the protective layer may provide the passivation layer (see Claim 71). Thus, as described on page 16 beginning at line 30, the structure of Figure 4 may be provided utilizing the steps illustrated in Figures 1A through 1F with the protective layer 21 being removed prior to or subsequent to the formation of the gate contact 32. Thus, Figures 1A through 1F are not limited to the formation of a passivation layer after the formation of a gate. Accordingly, Applicants submit that the difference between the methods illustrated

In re: Sheppard et al.
Serial No.: 10/758,871
Filed: January 16, 2004
Page 11 of 11

with reference to Figures 3 and 4 and those illustrated with reference to Figures 1A through 1F is the formation of the ohmic contact metal before forming the protective layer (Figures 1A-1F) or after formation of the protective layer (Figures 3 and 4).

In view of the above, Applicants respectfully request favorable examination and allowance of Claims 1-40 and 70-78.

Respectfully submitted,



Timothy J. O'Sullivan
Registration No. 35,632

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer No. 20792

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on May 17, 2005.



Traci A. Brown